

IOY HOFMEISTER

STATE SUPERINTENDENT of PUBLIC INSTRUCTION OKLAHOMA STATE DEPARTMENT of EDUCATION

MEMORANDUM

TO:

The Honorable Members of the State Board of Education

FROM:

Brad Clark

DATE:

April 25, 2019

SUBJECT:

Tulsa Beyond – Empowerment Schools Zone Application

On April 5, 2019, the Oklahoma State Department of Education (the "OSDE") received a request from Tulsa Public Schools (the "District") for Board approval of its *Tulsa Beyond* Empowerment Schools Act Zone Application (the "Application" or "Plan"). The Oklahoma Empowered Schools and School Districts Act, at 70 O.S. § 3-129.1 *et seq*. (the "Act"), was enacted in 2013 to "empower locally elected school board members to govern school districts and make decisions based on the needs of their students and circumstances." *See* 70 O.S. § 3-129.11. In effect, the Act allows a school district to submit a request to the State Board of Education (the "Board") for an exemption from all statutory requirements and Board rules from which public charter schools are exempt. Enclosed for your review and consideration is a copy of the Plan. In light of the information set forth below, the OSDE recommends Board approval of the Plan. Prior to embarking on a review of the Plan, an overview of the Act, its purposes and requirements is provided.

In considering or creating an empowerment plan, the Act *encourages* districts to consider innovations in certain areas, including but not limited to:

- 1. curriculum and academic standards and assessments;
- 2. accountability measures, including, but not limited to, formative assessments which measure student growth over time and/or measuring the percentage of students continuing into higher education;
- 3. Provision of services, including, but not limited to, special education services, services for gifted and talented students, services for limited English proficient students, educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the Department of Human Services or county social services agencies; and,

¹ To the best of the OSDE's knowledge, this is the first plan submitted requesting the flexibilities afforded by the Act.

4. Preparation and counseling of students for transition to postsecondary education or the workforce.

Provided, each empowerment plan *must contain* the following:

- 1. A statement of the mission of the school, zone, or district and why designation as an empowered school, zone, or district would enhance the ability of the school, zone, or district to achieve its mission;
- 2. A description of the innovations the school, zone, or district would implement, which may include, but not be limited to, innovations in school staffing, curriculum and assessment, class scheduling, use of financial and other resources, and faculty recruitment, employment, evaluation, and compensation;
- 3. A listing of the programs, policies, or operational documents within the school, zone, or district that would be affected by the innovations identified by the school, zone, or district and the manner in which they would be affected. The programs, policies, or operational documents may include, but not be limited to:
 - a. the research-based educational program to be implemented,
 - b. the length of school day and school year,
 - c. the student promotion and graduation policies to be implemented,
 - d. the assessment plan,
 - e. the proposed budget, and
 - f. the proposed staffing plan;
- 4. A description of any statutory, regulatory, or district policy requirements that would need to be waived for the school, zone, or district to implement the identified innovations;
- 5. A description of any provision of the collective bargaining agreement in effect for the personnel at the school, zone, or district that would need to be waived for the school, zone, or district to implement its identified innovation;
- 6. An identification of the improvements in academic performance that the school, zone, or district expects to achieve in implementing the innovations;
- 7. An estimate of the cost savings and increased efficiencies, if any, the school, zone, or district expects to achieve in implementing the identified innovations;
- 8. Evidence that both a majority of the administrators and a majority of the teachers employed at the school, zone, or district approve the empowerment plan and consent to the designation as an empowered school, zone, or district. The determination of approval and consent of the plan shall be obtained by means of a secret ballot vote;
- 9. A statement of the level of support for designation as an empowered school, zone, or district demonstrated by the other persons employed at the school, zone, or district, the students and parents of students enrolled in the school, zone, or district, and the community surrounding the school, zone, or district; and
- 10. Any additional information required by the school district board of education of the school district in which the empowerment plan would be implemented. *See* 70 O.S. § 3-129.3

With respect to the Board's approval, the Act expressly provides that the Board *shall* approve the plan within sixty (60) days of receipt of said plan, unless it is determined that the plan:

- 1. Is likely to result in a decrease in academic achievement in the school, zone, or district, or
- 2. Is not fiscally feasible. *See* 70 O.S. § 3-129.6.

Similar to the review conducted on an application for Board sponsorship of a public charter school, if an empowerment plan is received, the OSDE utilizes a review team to ascertain compliance with the law, fulfillment of the purpose of the Act as well as a determination of the soundness and quality of the proposal. The Board's role in the application process will include reviewing reported findings by Department staff, as well as reviewing applications, to determine appropriateness for approval based on the requirements in the Act.

In the Plan, approved by the District's Board of Education on March 25, 2019, the District has requested to make an empowered zone² inclusive of the following schools: Nathan Hale High School, Daniel Webster High School, and Tulsa Learning Academy. Through the Plan, the District seeks regulatory flexibility in the areas of graduation requirements, attendance, and student learning through personalized learning mechanisms so as to provide the student with control over the pace and place of their education. Further, the Plan was developed over an extended period, including six (6) months of a school design process led not by the district, but by school-based teams of teachers, school leaders, students, and community members, including thousands of hours of community and stakeholder input. In addition, as a part of the collaborative process, school personnel at the requested empowered zone sites voted in favor of the zone at more than 90%.

Again, a copy of the Plan is provided for your review and consideration. As always, should you have any questions relating to the Plan, the OSDE's recommendation for approval of the Plan, or otherwise, please do not hesitate to contact me.

² An "Empowered school zone" is defined in the Act to mean a group of schools of a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education and in which a school district board of education implements an empowerment plan.

Enclosures: *Tulsa Beyond* Empowerment Schools Act Zone Application Oklahoma Empowered Schools and School Districts Act

 $BSC/State\ of\ Oklahoma/One Drive/Board\ Meeting/Memo-TPS\ Empowerment$



Title 70. Schools

— ⊜Chapter 1 - School Code of 1971

Empowered Schools and School Districts Act

Section 3-129.3 - Empowerment Plans - Discrimination - Exercise of Rights

Cite as: 70 O.S. § 3-129.3 (OSCN 2019), Empowered Schools and School Districts Act

- A. 1. A public school, zone, or district may submit to its school district board of education an empowerment plan as described in subsection C of this section.
- 2. A school district board of education shall receive and review each empowerment plan submitted pursuant to paragraph 1 of this subsection. The school district board of education shall either approve or disapprove the empowerment plan within sixty (60) days after receiving the plan.
- 3. If the school district board of education rejects the plan, it shall provide to the public school, zone, or district that submitted the plan a written explanation of the basis for its decision. A public school, zone, or district may resubmit an amended empowerment plan at any time after denial.
- 4. If the school district board of education approves the plan, it shall proceed to seek approval of the school, zone, or district as an empowered school, zone, or district pursuant to Section 6 of this act.
- B. A school district board of education may initiate and collaborate with one or more public schools of the school district to create one or more empowerment plans, as described in subsection C of this section. In creating an empowerment plan the school district board of education shall ensure that each public school that would be affected by the plan has the opportunity to participate in the creation of the plan.
- C. Each empowerment plan shall include the following information:
- 1. A statement of the mission of the school, zone, or district and why designation as an empowered school, zone, or district would enhance the ability of the school, zone, or district to achieve its mission;
- 2. A description of the innovations the school, zone, or district would implement, which may include, but not be limited to, innovations in school staffing, curriculum and assessment, class scheduling, use of financial and other resources, and faculty recruitment, employment, evaluation, and compensation;
- 3. A listing of the programs, policies, or operational documents within the school, zone, or district that would be affected by the innovations identified by the school, zone, or district and the manner in which they would be affected. The programs, policies, or operational documents may include, but not be limited to:
- a. the research-based educational program to be implemented,
- b. the length of school day and school year,
- c. the student promotion and graduation policies to be implemented,
- d. the assessment plan,
- e. the proposed budget, and
- f. the proposed staffing plan;
- 4. A description of any statutory, regulatory, or district policy requirements that would need to be waived for the school, zone, or district to implement the identified innovations;

- 5. A description of any provision of the collective bargaining agreement in effect for the personnel at the school, zone, or district that would need to be waived for the school, zone, or district to implement its identified innovation;
- 6. An identification of the improvements in academic performance that the school, zone, or district expects to achieve in implementing the innovations;
- 7. An estimate of the cost savings and increased efficiencies, if any, the school, zone, or district expects to achieve in implementing the identified innovations;
- 8. Evidence that both a majority of the administrators and a majority of the teachers employed at the school, zone, or district approve the empowerment plan and consent to the designation as an empowered school, zone, or district. The determination of approval and consent of the plan shall be obtained by means of a secret ballot vote;
- 9. A statement of the level of support for designation as an empowered school, zone, or district demonstrated by the other persons employed at the school, zone, or district, the students and parents of students enrolled in the school, zone, or district, and the community surrounding the school, zone, or district; and
- 10. Any additional information required by the school district board of education of the school district in which the empowerment plan would be implemented.
- D. Each plan for creating an empowered school zone or district whether submitted by a group of public schools or created by a school district board of education through collaboration with a group of public schools, shall also include the following additional information:
- 1. A description of how innovations in the schools in the empowered school zone or district would be integrated to achieve results that would be less likely to be accomplished by each school working alone; and
- 2. An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the empowered school zone or district.
- E. No employee of a school, zone, or district shall be discriminated against by the school district board of education, the superintendent of the school district, or any other administrative officer of the school district or by any employee organization, an officer of the organization, or a member of the organization for exercising or not exercising the rights provided for under the Empowered Schools and School Districts Act. An employee of a school district or an officer or member of an employee organization shall be prohibited from impeding, restraining or coercing an employee of a school, zone or district from exercising the rights provided for under the act or causing an employer to impede, restrain or coerce an employee from exercising the rights provided for under the act.

Historical Data

Laws 2010, SB 2330, c. 353, § 3.

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Title 70. Schools

⊕Oklahoma Statutes Citationized

☐Title 70. Schools

Chapter 1 - School Code of 1971

Empowered Schools and School Districts Act

Section 3-129.6 - Approval or Denial of Empowerment Plans

Cite as: 70 O.S. § 3-129.6 (OSCN 2019), Empowered Schools and School Districts Act

A. Each school district board of education shall submit approved school, zone, or district empowerment plans to the State Board of Education.

- B. 1. Within sixty (60) days after receiving an empowerment plan for a school, zone, or district, the State Board shall approve the empowerment plan unless the State Board concludes that the submitted plan:
- a. is likely to result in a decrease in academic achievement in the empowered school, zone, or district, or
- b. is not fiscally feasible.
- 2. If the State Board does not approve the empowerment plan, it shall provide to the school district board of education a written explanation of the basis for its decision. The school district board of education may resubmit an amended empowerment plan and seek approval of the empowerment plan at any time after denial.

Historical Data

Laws 2010, SB 2330, c. 353, § 6.

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Title 70. Schools

Chapter 1 - School Code of 1971

Empowered Schools and School Districts Act

Section 3-129.11 - School District Empowerment Program

Cite as: 70 O.S. § 3-129.11 (OSCN 2019), Empowered Schools and School Districts Act

A. There is hereby established the School District Empowerment Program which shall be administered by the State Board of Education. The purpose of the program is to empower locally elected school board members to govern school districts and make decisions based on the needs of their students and circumstances.

- B. 1. Subject to the provisions of this section, a school district shall be allowed to submit a request to the State Board of Education for an exemption from all statutory requirements and State Board of Education rules from which charter schools are exempt, as provided for in the Oklahoma Charter Schools Act. Any request for exemption shall include a plan which outlines the goals sought to be achieved at a minimum, include the educational and fiscal benefits and the anticipated impacts or outcomes the plan will have in the district.
- 2. Within ninety (90) days after receiving the request and plan, the State Board shall approve or disapprove the request. If the State Board does not approve the request, it shall provide to the school district a written explanation of the basis for its decision. The school district may resubmit an amended request at any time after the denial. The request shall be approved by the State Board before implementation by the school district. An approved request and plan shall be for no longer than three (3) years. Prior to the beginning of the third year, the school district may apply for renewal of the approved request and plan. The school district shall be required to submit an annual report and the State Board shall annually assess the academic achievement and fiscal status of the school district.
- C. Nothing in this section shall prevent a school district board of education from choosing to follow any or all state laws, rules or regulations from which a charter school is exempt. A school district which has been granted approval by the State Board for exemption as set forth in subsection B of this section shall have the option to adopt policies to implement any requirement for the school district that is consistent with any statutory requirement or mandate or State Board rule, but a participating school shall comply with the following requirements:
- 1. Students who reside in the school district shall be entitled to attend school in the district as set forth in Section 1-114 of this title;
- 2. School districts shall comply with the requirements of the minimum salary schedule for teachers as set forth in <u>Section 18-114.12 of</u> this title;
- 3. Employees of school districts shall continue to participate as members of the Teachers' Retirement System of Oklahoma as set forth in Section 17-101 et seq. of this title;
- 4. School districts shall comply with the requirement to provide a health insurance plan for school district employees as set forth in <u>Section 5-117.5 of this title</u> and to establish or make available to school district employees a cafeteria plan as set forth in <u>Section 26-104 of this title</u>;
- 5. School districts shall require any person employed by the school district to file with the district board a current Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Each district shall adopt a policy regarding criminal history record checks as set forth in Section 5-142 of this title;
- 6. School districts shall comply with the requirement to evaluate teachers and to train personnel designated to conduct personnel evaluations as set forth in Sections <u>6-101.10</u> and <u>6-101.11</u> of this title, the dismissal and due process procedures for administrators as set forth in Sections <u>6-101.13</u> through <u>6-101.15</u> of this title and the due process procedures for teachers as set forth in Sections <u>6-101.21</u> through <u>6-101.26</u> of this title;

- 7. School districts shall comply with the requirement to make payroll deductions for either or both professional organization dues and political contributions upon the request of an employee as set forth in <u>Section 5-139 of this title</u>;
- 8. School districts shall comply with the dismissal and due process procedures for education support employees as set forth in Sections 6-101.40 through 6-101.47 of this title;
- 9. School districts shall employ as teachers, counselors, librarians, school nurses, superintendents, principals, supervisors or any other instructional, supervisory or administrative employee only those persons who are certified by the State Board of Education in accordance with the Oklahoma Teacher Preparation Act, except for persons exempt from the certification requirements as otherwise provided by law;
- 10. School districts shall provide for negotiations between school employees and school districts as set forth in Sections <u>509.1</u> through <u>509.11</u> of this title;
- 11. School districts shall be required to offer and students enrolled in the school district shall be required to complete the curriculum requirements as set forth in <u>Section 11-103.6 of this title</u>;
- 12. Students enrolled in the school district shall be required to demonstrate mastery of the state academic content standards as set forth in <u>Section 1210.523 of this title</u>; and
- 13. Members of the school district board of education shall be required to satisfy the instruction and continuing education requirements as set forth in Sections <u>5-110</u>, <u>5-110.1</u> and <u>5-110.2</u> of this title.

Historical Data

Laws 2013, HB 2131, c. 312, § 1; Amended by Laws 2014, HB 2885, c. 124, § 3, emerg. eff. July 1, 2014 (<u>superseded document available</u>).

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